

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
NE/S Overlea Avenue, 185' NW of	
the c/l of Linden Avenue	* ZONING COMMISSIONER
(14 East Overlea Avenue)	
14th Election District	* OF BALTIMORE COUNTY
6th Councilmanic District	
	* Case No. 96-280-SPH
Anthony J. Mierzwicki, et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 14 East Overlea Avenue, located in the vicinity of Belair Road in Fullerton. The Petition was filed by the owners of the property, Anthony J. and Ruth R. Mierzwicki, through their attorney, Michael E. Marino, Esquire. The Petition was filed in response to a complaint registered with the Zoning Enforcement Division of the Department of Permits and Development Management (PDM) office as to the use of the property as apartments. Specifically, the Petitioners seek approval of an 11-unit apartment building on the subject property as a legal, nonconforming use. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitioners were Anthony J. Mierzwicki, property owner, and their attorney, Michael E. Marino. Virginia Wiegman, an adjoining property owner, appeared in support of the Petition and as an interested party. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.39 acres, more or less, zoned D.R. 5.5 and is improved with a 2.5 story dwelling containing 11 apartments. The property is comprised of three adjoining lots, known as Lots 613, 614 and 615 of Overlea Park,

ORDER RECEIVED FOR FILING

Date 3/6/96

By [Signature]

MICROFILMED

an old, established subdivision. Mr. Mierzwicki testified that he has owned the property since 1981 and that he acquired the property as an investment. As noted above, the dwelling consists of 11 apartments as more fully described on the schematic floor plan submitted into evidence as Petitioner's Exhibit 2. Mr. Mierzwicki testified that for the period he has owned the property, the building has been used continuously and without interruption as an 11-unit apartment dwelling. He further indicated that the apartments are mostly occupied by elderly residents.

The Petitioner produced a transcript of sworn testimony taken from Mr. John C. Hofmeister, the son of the former owner and builder of the subject dwelling. Mr. Hofmeister's testimony was dispositive on the issue. Specifically, that testimony disclosed that the structure was constructed in 1936, well prior to the adoption of the first zoning regulations in Baltimore County in 1945. According to Mr. Hofmeister, his father constructed the subject dwelling in 1936 as an 11-unit apartment house. Mr. Hofmeister's testimony also indicated that the property has been so utilized continuously and without interruption since that time. There have been no additions or significant modifications to the structure since its original construction.

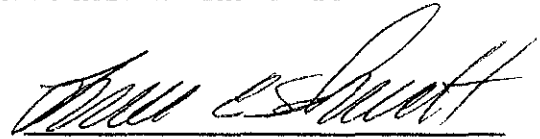
This testimony was also corroborated by Mrs. Weigman who resides across the street from the subject property. Mrs. Weigman has lived across from the subject site for approximately 15 years, and the dwelling in which she presently resides was previously owned and occupied by her mother-in-law. Thus, Mrs. Weigman is familiar with the area and corroborated the fact that the 11-unit apartment use on the subject property is of a long-standing nature.

Based upon the uncontradicted testimony and evidence offered, it is clear that the Petition for Special Hearing must be granted. It is obvious that the use is nonconforming, as defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.), and regulated in Section 104 thereof. This is a clear case where a use has existed continuously since prior to the adoption of the zoning regulations and thus, may lawfully remain. Moreover, unlike a Petition for Zoning Variance or Special Exception, the imposition of any restrictions on the relief granted is not proper. Although the Development Plans Review Division has recommended certain improvements to the property, they cannot be mandated in this case. The nonconforming use designation effectively grandfathers this use and the attachment of conditions pursuant to that relief would be improper.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of March, 1996 that the Petition for Special Hearing seeking approval of an 11-unit apartment building on the subject property as a legal, nonconforming use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that a 30-day appeal period runs from the date of this Order. If an appeal is filed and for whatever reason this Order is reversed, the relief granted herein shall be rescinded.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 6, 1996

Michael E. Marino, Esquire
609 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/S Overlea Avenue, 185' NW of the c/l of Linden Avenue
(14 East Overlea Avenue)
14th Election District - 6th Councilmanic District
Anthony J. Mierzwicki, et ux - Petitioners
Case No. 96-280-SPH

Dear Mr. Marino:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Anthony J. Mierzwicki
914 Hampton Lane, Baltimore, Md. 21286

People's Counsel

☒ File

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Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

uCR

MICROFILMED



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

14 East Overlea Avenue

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve 11 apartment units upon the property by way of a non-conforming use.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Michael E. Marino

(Type or Print Name)

Signature

609 Bosley Avenue (410) 821-6633

Address

Phone No.

Powson, MD 21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

Anthony J. Mierzwicki

(Type or Print Name)

Signature

Ruth R. Mierzwicki

(Type or Print Name)

Signature

914 Hampton Lane (410) 823-0637

Address

Phone No

Baltimore, MD 21286

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

ORDER RECEIVED FOR FILING

Date

Revised 9/5/95

DROP-OFF
No REVIEW

1/22/96
ACR

WILKINSON

281

December 18, 1995

96-280-SPH

14 EAST OVERLEA AVENUE

(DESCRIPTION FOR ZONING PURPOSES ONLY)

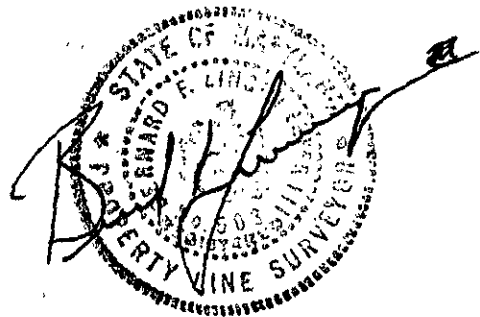
Beginning at a point on the westerly right-of-way line of Overlea Avenue (50 feet wide) approximately 185 feet northerly of the intersection of the centerline of Linden Avenue (50 foot wide) and Overlea Avenue, thence running the following courses and distances:

1. Northwesterly 100 feet, more or less, to a point; thence leaving said right-of-way,
2. Northeasterly 150 feet, more or less, to a point; thence,
3. Southeasterly 100 feet, more or less, to a point; thence binding on the north side of an existing 10 foot wide alley,
4. Southwesterly 150 feet, more or less, to the point of beginning.

Containing approximately 0.34 acres of land, more or less.

Being the property located at 14 East Overlea Avenue; also known as Lot Nos. 613, 614, and part of No. 615 of the Plat Addition to "Overlea" J.W.S. No. 2, Part 2-196.

SAM/cep/DESCD#4/D.19



10/11/95 10:00 AM

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-280-SPH

District 14th Date of Posting 4/2/96
Posted for: Special Hearing
Petitioner: Anthony & Ruth Mierzwicki
Location of property: 14 E. Overlea Ave.
Location of Signs: Facing road way on property being zoned
Remarks: _____
Posted by [Signature] Date of return: 7/2/96
Signature
Number of Signs: 1



CERTIFICATE OF PUBLICATION

_____ 2/6, 1996
TOWSON, MD..

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on 2/6, 1996.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

NOTICE OF HEARINGS

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 105 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 460 Washington Avenue, Towson, Maryland 21204 as follows:

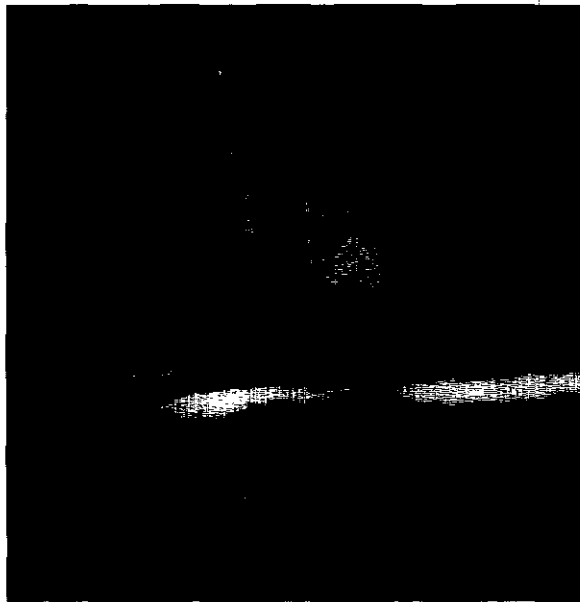
Case: #95-280-SPH (Item 281)
14 E. Overlea Avenue, 185 NES Overlea Avenue, NW of E Linden Avenue 14th Election District 6th Councilmanic

Legal Owner(s): Anthony J. Mierzwicki and Ruth Mierzwicki
Special Hearing: to approve 11 apartment units upon the property by way of a non-conforming use.
Hearing: Thursday, February 29, 1996 at 9:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations please call 687-3353.
(2) For information concerning the file and/or Hearing, please call 687-3391.

2/098 Feb. 8. C30302



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 015448

ITEM #281

DROP-OFF: NO REV.

DATE 1/22/96 ACCOUNT 001-5150

AMOUNT \$ 285.00 (WCR)

RECEIVED FROM: Levy & Marino 96-280-SPH

#040 - SPH & #080 - SIGN
14 E. Overlea Avenue

FOR:

03A91#0322MICHRC \$285.00
BA C009#08AM01-23-96

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 291 Petitioner: Anthony Mierzwinski
Ruth R Mierzwinski

Location: 14 E. Overlea Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Michael E. Marino, Esq.

ADDRESS: 609 Bosley Ave
Towson MD 21204

PHONE NUMBER: (410) 821-4633



Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book # _____, folio # _____, lot # _____, section # _____

OWNER: _____



North

date: _____ prepared by: _____ Scale of Drawing: 1" = _____



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map#: _____

Zoning: _____

Lot size: _____

acreage _____ square feet _____

SEWER: ☐ public ☐ private

WATER: ☐ yes ☐ no

Chesapeake Bay Critical Area: ☐ ☐

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

TO: PUTUMENT PUBLISHING COMPANY
February 8, 1996 Issue - Jeffersonian

Please forward billing to:

Michael E. Marino, Esq.
609 Bosley Avenue
Towson, MD 21204
821-6633

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-280-SPH (Item 281)
14 E. Overlea Avenue
NE/S Overlea Avenue, 185' NW of c/l Linden Avenue
14th Election District - 6th Councilmanic
Legal Owner: Anthony J. Mierzwicki and Ruth Mierzwicki

Special Hearing to approve 11 apartment units upon the property by way of a non-conforming use.

HEARING: THURSDAY, FEBRUARY 29, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

3/1/96 10:00 AM



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

February 1, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-280-SPH (Item 281)
14 E. Overlea Avenue
NE/S Overlea Avenue, 185' NW of c/l Linden Avenue
14th Election District - 6th Councilmanic
Legal Owner: Anthony J. Mierzwicki and Ruth Mierzwicki

Special Hearing to approve 11 apartment units upon the property by way of a non-conforming use.

HEARING: THURSDAY, FEBRUARY 29, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Anthony and Ruth Mierzwicki
Michael E. Marino, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 23, 1996

Michael E. Marino, Esquire
609 Bosley Avenue
Towson, MD 21204

RE: Item No.: 281
Case No.: 96-280-SPH
Petitioner: A. J. Mierzwicki

Dear Mr. Marino:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 22, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Feb. 12, 1996
Zoning Administration and Development Management

FROM: *pub* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for February 12, 1996
Item No. 281

The Development Plans Review Division has reviewed the subject zoning item. If this site is approved as shown, a single commercial entrance per Dept. of Public Works Standard Plate R-32 should be provided for a parking area.

If granted, we recommend that the parking area be buffered from the adjacent residences.

The issue of onsite parking shall be clearly addressed.

RWB:sw

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Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 02/08/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: ANTHONY J. MIERZWICKI & RUTH R. MIERZWICKI

Location: NE/S OVERLEA AVE. 185' NW OF CENTERLINE LINDEN AVE.
(14 EAST OVERLEA AVE.)

Item No.: 281

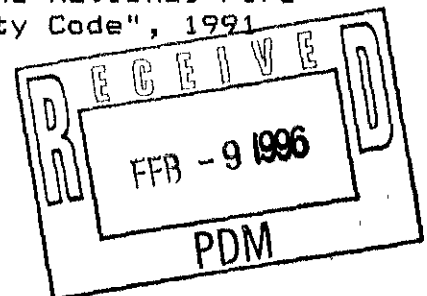
Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: February 2, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 273, 274,
275, 277, 278, 279, (281), 282, and 285

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long
Edryl L. Kerns

Division Chief:

PK/JL

8/9/2013 10:01 AM
PR(6) 10:01 AM



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

2-5-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 281 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 6, 1996

Michael E. Marino, Esquire
609 Bosley Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #281)
Legal Owner: Mierzwicki, Anthony & Ruth
14 East Overlea Avenue
14th Election District

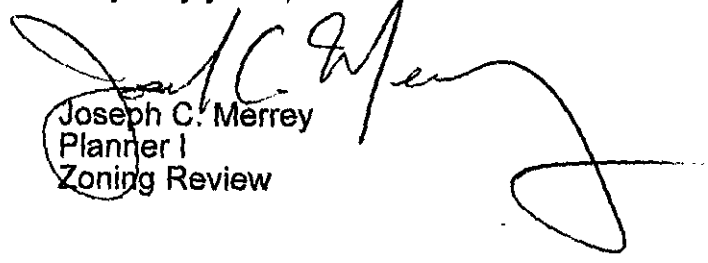
Dear Mr. Marino:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

A floor plan detailing each floor, with room square footages and uses, is generally included with this filing.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,


Joseph C. Merrey
Planner I
Zoning Review

JCM:scj

Enclosure (receipt)

c: Zoning Commissioner

MICROFILMED

RE: PETITION FOR SPECIAL HEARING
14 E. Overlea Avenue, NE/S Overlea Ave,
185' NW of c/l Linden Avenue, 14th
Election District, 6th Councilmanic

Anthony and Ruth Mierzwicki
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-280-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to Michael E. Marino, Esquire, 609 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

RECORDED

281 96-255



Baltimore County
Department of Permits and
Development Management

1/19/96
TO WORK

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

14 E. Overlea Ave

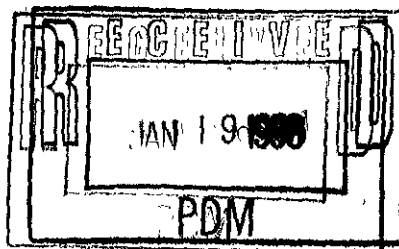
① There is a zoning violation on
this property. David Taylor is
the zoning inspector.

② No one have reviewed this
application for non-conforming
use.

MICHAEL E. MARINO
ATTORNEY AT LAW

LEVY & MARINO, P.A.
609 BOSLEY AVENUE
TOWSON, MARYLAND 21204

(410) 821-0633
FAX (410) 206-0057



Printed with Soybean Ink
on Recycled Paper

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

MICHAEL MARINO

609 Bosley Ave

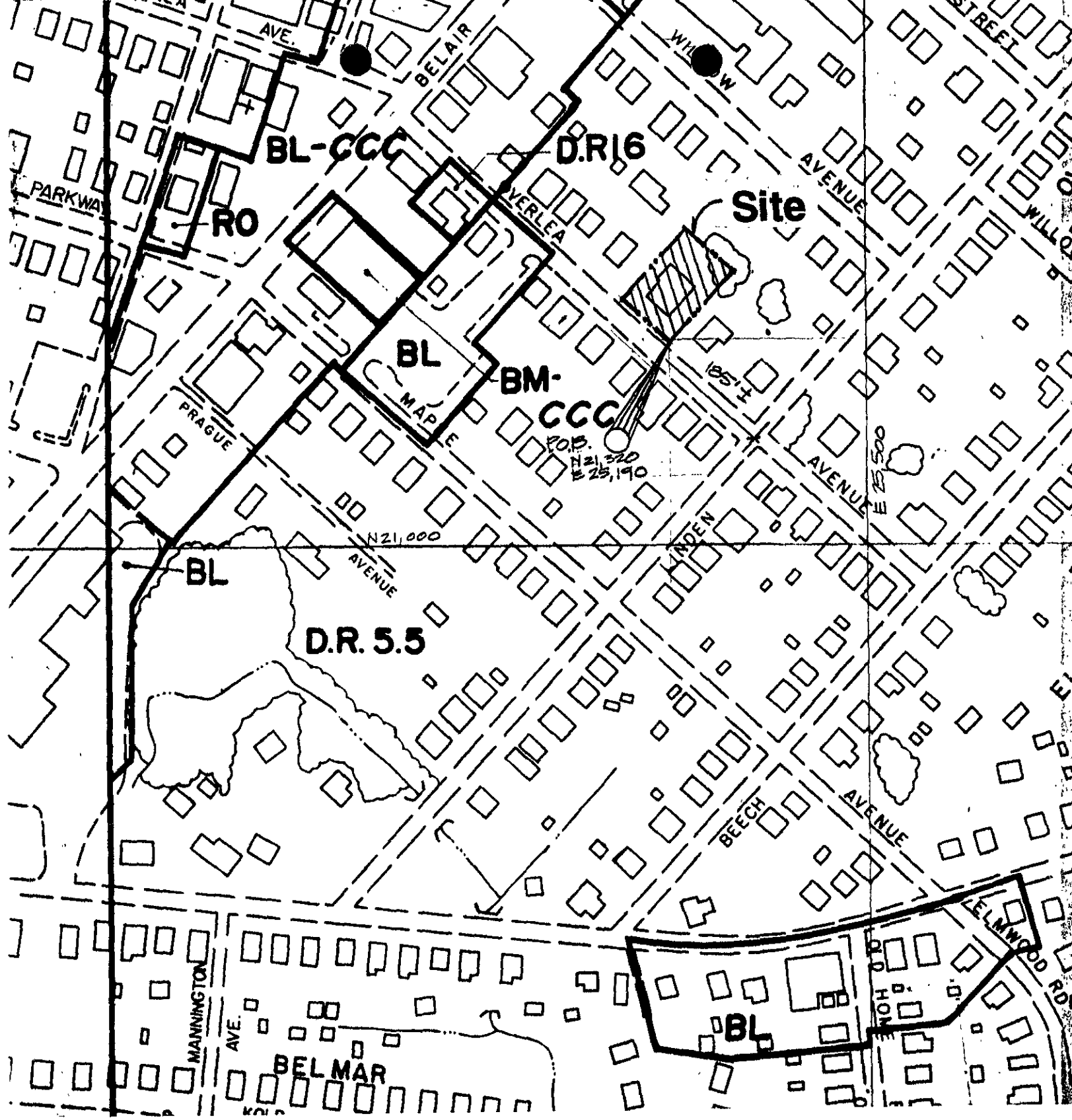
Anthony J. Mierzwicki

Towson MD 21204

Virginia Wagnman

15 E. Overlea Ave.





D.S. THALER & ASSOC., INC.

CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
 7115 AMBASSADOR ROAD, BALTIMORE, MD 21244
 (410) 944-ENGR, (410) 944-3647 11-30-95

14 E. Overlea Avenue

**200' Scale 1992 Zoning Map
 To Accompany Zoning Petition**

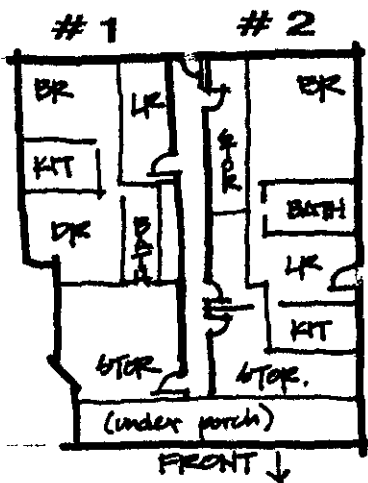
(NE-6E)

96-280-SPH

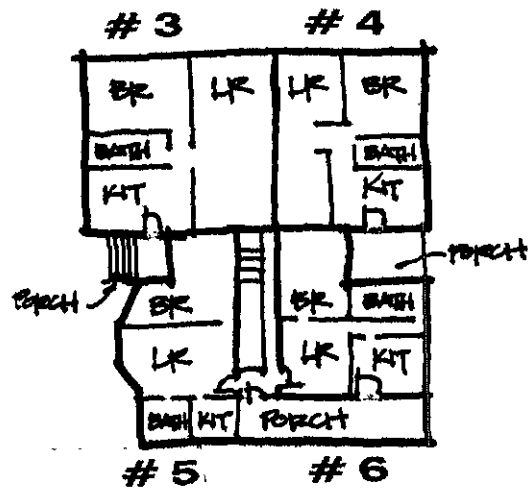
MICROFILMED

281

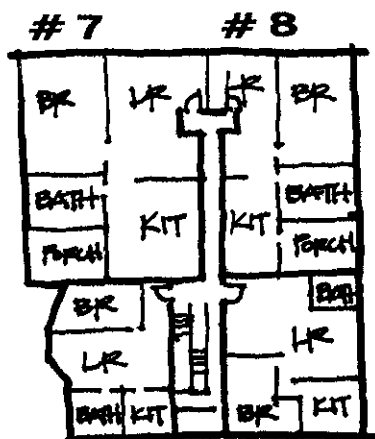




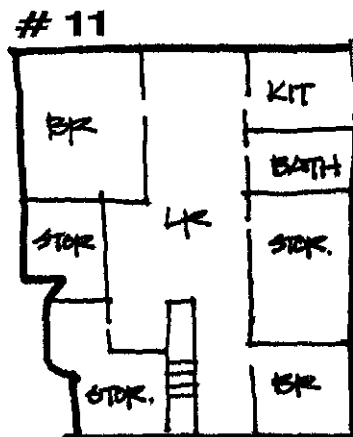
BASEMENT



FIRST FLOOR



SECOND FLOOR



THIRD FLOOR

Ref No 2

SCHEMATIC FLOOR PLAN

14 E. OVERLEA AVENUE

N.T.S.

D.S. THALER & ASSOCIATES, INC.
7115 AMBASSADOR ROAD
BALTIMORE, MD 21244
(410) 944-3647

ORIGINAL FILED

1 IN THE MATTER OF: + BEFORE THE
2 14 EAST OVERLEA AVENUE + ZONING COMMISSON
3 + FOR
4 + BALTIMORE COUNTY
5 + CASE NO:
6 + 96-280-SPH (Item 281)

7 + + + + + + +

8 Pursuant to Notice, the deposition of JOE
9 CONRAD HOFMEISTER was taken on Monday, February 26,
10 1996, commencing at 4:00 p.m., at the law offices of
11 Levy & Marino, 609 Bosely Avenue, Towson, Maryland,
12 before Richard D. Baker, Jr, a notary public.

13 APPEARANCES:

14 Michael E. Marino, Esquire
15 on behalf of Anthony Mierzwicki

16 ALSO PRESENT: Anthony Mierzwicki
17

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21 Reported by: Richard D. Baker, Jr.

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Del No 2

1 IN THE MATTER OF: + BEFORE THE
2 14 EAST OVERLEA AVENUE + ZONING COMMISSON
3 + FOR
4 + BALTIMORE COUNTY
5 + CASE NO:
6 + 96-280-SPH (Item 281)

7 + + + + + + + +

8 Pursuant to Notice, the deposition of JOHN
9 CONRAD HOFMEISTER was taken on Monday, February 26,
10 1996, commencing at 4:00 p.m., at the law offices of
11 Levy & Marino, 609 Bosely Avenue, Towson, Maryland,
12 before Richard D. Baker, Jr, a notary public.

13 APPEARANCES:

14 Michael E. Marino, Esquire
15 on behalf of Anthony Mierzwicki

16
17 ALSO PRESENT: Anthony Mierzwicki

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21 Reported by: Richard D. Baker, Jr.

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Del No 3

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1 STIPULATIONS

2 It is stipulated and agreed by and between
3 counsel for the respective parties that the reading
4 and signing of this deposition by the witness be and
5 the same are hereby waived.

6 It is further stipulated and agreed that
7 the filing of this deposition with the Clerk of the
8 Court be and the same is hereby waived.

9 * * * * *

10 JOHN CONRAD HOFMEISTER,
11 called for examination, having been duly sworn to
12 tell the truth, the whole truth and nothing but the
13 truth, testified as follows:

14 EXAMINATION BY MR. MARINO:

15 Q Mr. Hofmeister could you give your name
16 and address for the record?

17 A John Conrad Hofmeister. I live at 26
18 Manor Avenue, Baltimore County 21206.

19 Q Mr. Hofmeister, you understand that we're
20 today taking your statement under oath to perpetuate
21 your testimony for the purpose of a zoning hearing

1 which is going to occur on February the 29th, 1996 at
2 9:00 a.m. in Room 118 of the old court house in
3 Towson, Maryland?

4 A Yes, I understand that.

5 Q You understand that zoning hearing
6 concerns 14 East Overly Avenue?

7 A Yes.

8 Q And the questions that I'm going to give
9 you and the answers you're going to give me are going
10 to be used in that particular hearing?

11 A I understand.

12 Q And you're not going to be available and
13 that's the reason why we're doing this deposition.

14 A Yes.

15 Q Okay. You understand that I'm going to
16 ask you a series of questions. Please wait until I
17 finish the question. You can ask me a question about
18 it if you don't understand it and then to the best of
19 your ability give an answer after the question is
20 finished. Do you understand?

21 A Yes, I do.

1 Q Okay. I have a copy of the location
2 survey for a property known as 14 East Overly Avenue,
3 which describes a particular building on 2 and a half
4 building lots. Do you see that?

5 A Yes.

6 Q All right. Now, are you familiar with 14
7 East Overlay Avenue?

8 A Yes, I am.

9 Q That was your old place of birth, wasn't
10 it?

11 A I was born next door, 10 East Overly
12 Avenue, but my parents bought that property in 1936
13 and at the time converted it into apartments.

14 Q How long did you live at 14 East Overly
15 Avenue?

16 A I lived there until I was 41 years old so
17 I lived there until about 1967.

18 Q Okay. What happened in 1967?

19 A I got married and I moved and I ended up
20 on Manor Avenue which is about five blocks from the
21 apartment. I still visited there almost daily

1 because my parents lived there and continued to do so
2 until July of '79 when my mother died and I still,
3 you know, ride by it occasionally since I'm right in
4 the area.

5 Q And you're aware the property contains
6 obviously 11 apartments?

7 A Yes, that is correct.

8 Q Now, do you have a recollection of when
9 this property was converted to apartments?

10 A Yes, it was originally converted in 1936
11 when my father and mother bought it.

12 Q Who did the work on the property when it
13 was converted?

14 A My father was his own general contractor.
15 Gentleman by the name of Mr. Miller was the
16 electrician. The master plumber was Elmer Hammel.

17 Q Did you happen to work on it yourself,
18 too?

19 A I helped my father do the carpentry work
20 on the house, yes.

21 Q How old were you then?

1 A Let me see now. I was 21 when we did the
2 final work.

3 Q Okay. Ultimately you sold the property to
4 a Mr. DeFalco (phonetic); is that correct?

5 A That's correct. November of '79.

6 Q Mr. DeFalco subsequently sold the property
7 to Mr. Mierzwicki; is that correct?

8 A Yes, that's correct.

9 Q Now, on January 1st, 1945, was the
10 property being used as apartments as it is today?

11 A Yes, it was. It's always been used as
12 apartments ever since 1936.

13 Q All right. Has it been continuously and
14 uninterruptedly used as apartments since then?

15 A Yes, absolutely.

16 Q Okay. Has the -- I'm showing you the
17 exterior walls of the particular building that sits
18 on top of 14 East Overly Avenue?

19 A Yes.

20 Q Has there been any expansion of this
21 building to your recollection since 1936?

1 A No, no expansion other than closing in
2 some porches.

3 Q To your knowledge, has there been any
4 interruption in the use of the property as
5 apartments?

6 A No.

7 Q Ever been discontinued and converted back
8 to a single family dwelling at any time?

9 A No. It's always been used and is still
10 being used for apartments.

11 MR. MARINO: That's all I have for this
12 witness. I would like to put this in as our Exhibit
13 Number 1.

14 (Exhibit 1 marked.)

15 MR. MARINO: Mr. Hofmeister, in any
16 deposition in Maryland you have the right to read and
17 review the statement that you've made to see if there
18 are any typographical errors. It can be done at any
19 time. It's most particularly done when you have
20 technical testimony. You can also waive that right
21 and presume that the transcription was taken

1 accurately, which is frequently done.

2 THE WITNESS: I'm more than willing to
3 waive that right.

4 (Deposition concluded at 4:12 p.m.)

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1 STATE OF MARYLAND, COUNTY OF BALTIMORE

2 I, Richard D. Baker, Jr., a Notary Public in and
3 for the State of Maryland, County of Baltimore, do
4 hereby certify the within named JOHN CONRAD
5 HOFMEISTER personally appeared before me at the time
6 and place herein set out and, after having been duly
7 sworn by me according to law, was interrogated by
8 counsel.

9 I further certify that the examination was
10 recorded stenographically by me and then transcribed
11 from my stenographic notes to the within typewritten
12 matter in a true and accurate manner. I further
13 certify that the stipulations contained herein were
14 entered into by counsel in my presence. I further
15 certify that I am not of counsel to any of the
16 parties, nor an employee of counsel, nor related to
17 any of the parties, nor in any way interested in the
18 outcome of this action.

19 AS WITNESS my hand and notarial seal this 27th
20 day of February, 1996, at Baltimore, Maryland.

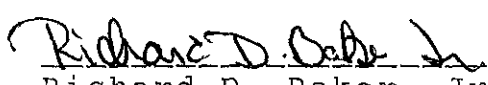
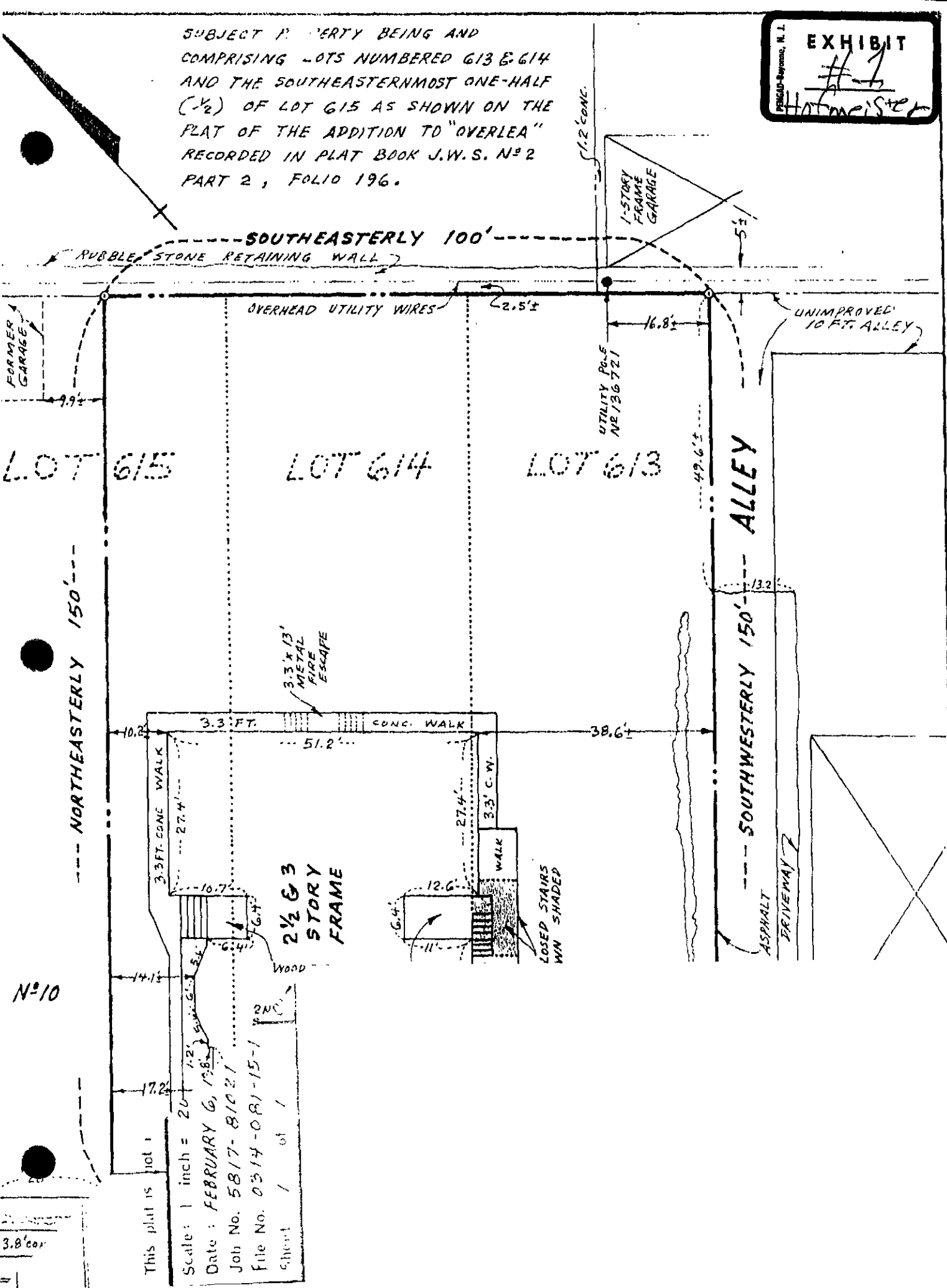
21 
Richard D. Baker, Jr., Notary Public

EXHIBIT
#1
Hofmeister



IN RE: PETITION FOR SPECIAL HEARING
NE/S Overlea Avenue, 185' NW of
the c/l of Linden Avenue
(14 East Overlea Avenue)
14th Election District
6th Councilmanic District
Case No. 96-280-SPH
Anthony J. Mierzwicki, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 14 East Overlea Avenue, located in the vicinity of Belair Road in Fullerton. The Petition was filed by the owners of the property, Anthony J. and Ruth R. Mierzwicki, through their attorney, Michael E. Marino, Esquire. The Petition was filed in response to a complaint registered with the Zoning Enforcement Division of the Department of Permits and Development Management (PDM) office as to the use of the property as apartments. Specifically, the Petitioners seek approval of an 11-unit apartment building on the subject property as a legal, nonconforming use. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitioners were Anthony J. Mierzwicki, property owner, and their attorney, Michael E. Marino. Virginia Wiegman, an adjoining property owner, appeared in support of the Petition and as an interested party. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.39 acres, more or less, zoned D.R. 5.5 and is improved with a 2.5 story dwelling containing 11 apartments. The property is comprised of three adjoining lots, known as Lots 613, 614 and 615 of Overlea Park,

an old, established subdivision. Mr. Mierzwicki testified that he has owned the property since 1981 and that he acquired the property as an investment. As noted above, the dwelling consists of 11 apartments as more fully described on the schematic floor plan submitted into evidence as Petitioner's Exhibit 2. Mr. Mierzwicki testified that for the period he has owned the property, the building has been used continuously and without interruption as an 11-unit apartment dwelling. He further indicated that the apartments are mostly occupied by elderly residents.

The Petitioner produced a transcript of sworn testimony taken from Mr. John C. Hofmeister, the son of the former owner and builder of the subject dwelling. Mr. Hofmeister's testimony was dispositive on the issue. Specifically, that testimony disclosed that the structure was constructed in 1936, well prior to the adoption of the first zoning regulations in Baltimore County in 1945. According to Mr. Hofmeister, his father constructed the subject dwelling in 1936 as an 11-unit apartment house. Mr. Hofmeister's testimony also indicated that the property has been so utilized continuously and without interruption since that time. There have been no additions or significant modifications to the structure since its original construction.

This testimony was also corroborated by Mrs. Weigman who resides across the street from the subject property. Mrs. Weigman has lived across from the subject site for approximately 15 years, and the dwelling in which she presently resides was previously owned and occupied by her mother-in-law. Thus, Mrs. Weigman is familiar with the area and corroborated the fact that the 11-unit apartment use on the subject property is of a long-standing nature.

Based upon the uncontradicted testimony and evidence offered, it is clear that the Petition for Special Hearing must be granted. It is obvious that the use is nonconforming, as defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.), and regulated in Section 104 thereof. This is a clear case where a use has existed continuously since prior to the adoption of the zoning regulations and thus, may lawfully remain. Moreover, unlike a Petition for Zoning Variance or Special Exception, the imposition of any restrictions on the relief granted is not proper. Although the Development Plans Review Division has recommended certain improvements to the property, they cannot be mandated in this case. The nonconforming use designation effectively grandfathered this use and the attachment of conditions pursuant to that relief would be improper.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of March, 1996 that the Petition for Special Hearing seeking approval of an 11-unit apartment building on the subject property as a legal, nonconforming use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that a 30-day appeal period runs from the date of this Order.
- 2) If an appeal is filed and for whatever reason this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 6, 1996

Michael E. Marino, Esquire
609 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/S Overlea Avenue, 185' NW of the c/l of Linden Avenue
(14 East Overlea Avenue)
14th Election District - 6th Councilmanic District
Anthony J. Mierzwicki, et ux - Petitioners
Case No. 96-280-SPH

Dear Mr. Marino:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Anthony J. Mierzwicki
914 Hampton Lane, Baltimore, Md. 21286

People's Counsel

File

ORDER RECEIVED FOR FILING

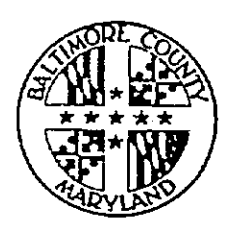
Date 3/6/96
By [Signature]

ORDER RECEIVED FOR FILING

Date 3/6/96
By [Signature]

ORDER RECEIVED FOR FILING

Date 3/6/96
By [Signature]



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at 14 East Overlea Avenue
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve 11 apartment units upon the property by way of a non-conforming use.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

609 Bosley Avenue (410) 821-6633

Towson, MD 21204

City

State

Zipcode

DROP OFF

No REVIEW

1/22/96

Revised 9/5/95

Legal Owner(s):

Anthony J. Mierzwicki

(Type or Print Name)

Signature

Ruth R. Mierzwicki

(Type or Print Name)

Signature

914 Hampton Lane (410) 823-0637

Baltimore, MD 21286

City

State

Zipcode

Name

Address

City

State

Zipcode

ESTIMATED LENGTH OF HEARING

the following date

ALL OTHER

REVIEWED BY

Next Two Months

DATE

December 18, 1995

14 EAST OVERLEA AVENUE
(DESCRIPTION FOR ZONING PURPOSES ONLY)

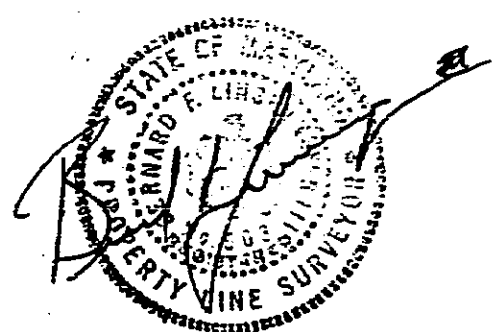
Beginning at a point on the westerly right-of-way line of Overlea Avenue (50 feet wide) approximately 185 feet northerly of the intersection of the centerline of Linden Avenue (50 foot wide) and Overlea Avenue, thence running the following courses and distances:

1. Northwesternly 100 feet, more or less, to a point; thence leaving said right-of-way,
2. Northeastly 150 feet, more or less, to a point; thence,
3. Southeastly 100 feet, more or less, to a point; thence binding on the north side of an existing 10 foot wide alley,
4. Southwestly 150 feet, more or less, to the point of beginning.

Containing approximately 0.34 acres of land, more or less.

Being the property located at 14 East Overlea Avenue; also known as Lot Nos. 613, 614, and part of No. 615 of the Plat Addition to "Overlea" J.W.S. No. 2, Part 2-196.

SM/cep/DES:JH4/D.19



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th Date of Posting: 4/1/96
Posted for: Special Hearing
Petitioner: Anthony J. Mierzwicki
Location of property: 14 E. Overlea Ave.
Location of Signs: 14 E. Overlea Ave. (on property being zoned)
Remarks:
Posted by: [Signature] Date of return: 7/1/96
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/18, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/18, 1996.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, the authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described in the following:

14 East Overlea Avenue, 185' NW of c/l of Linden Avenue, 14th Election District, 6th Councilmanic District, Baltimore County, Maryland 21204 as follows:

Case #96-280-SPH
Petitioner: Anthony J. Mierzwicki and Ruth R. Mierzwicki
Special Hearing: to approve 11 apartment units upon the property by way of a non-conforming use.

25, 1996 at 5:00 p.m. in Room 111 of the Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

For information concerning the hearing, please call 887-3391.

2006 Feb 8 C0002

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 013448
ITEM #281
DATE 1/22/96 ACCOUNT 001-6150 DROP-OFF: NO REV.
AMOUNT \$285.00 (WCR)
RECEIVED FROM: Levy & Marino 96-280-SPH
#040 - SPH & #080 - SIGN
14 E. Overlea Avenue
FOR: 03491#0322MICRHC \$285.00
BA C009#08ANDI-23-96
VALIDATION OR SIGNATURE OF CASHIER
DATE: 1/22/96 PREPARED BY: JH4



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 281 Petitioner: Anthony Mierzwicki

Location: 14 E. Overlea Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Michael E. Marino, Esq.

ADDRESS: 609 Bosley Ave

Towson MD 21204

PHONE NUMBER: (410) 821-6633

Printed with Soybean Ink
on Recycled Paper

12

TO: PUTNUT PUBLISHING COMPANY
February 8, 1996 Issue - Jeffersonian

Please forward billing to:

Michael E. Marino, Esq.
609 Bosley Avenue
Towson, MD 21204
821-6633

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in

Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-280-SPH (Item 281)

14 E. Overlea Avenue
NE/S Overlea Avenue, 185' NW of c/l Linden Avenue
14th Election District - 6th Councilmanic
Legal Owner: Anthony J. Mierzwicki and Ruth Mierzwicki

Special Hearing to approve 11 apartment units upon the property by way of a non-conforming use.

HEARING: THURSDAY, FEBRUARY 29, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

February 1, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in

Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-280-SPH (Item 281)

14 E. Overlea Avenue
NE/S Overlea Avenue, 185' NW of c/l Linden Avenue
14th Election District - 6th Councilmanic
Legal Owner: Anthony J. Mierzwicki and Ruth Mierzwicki

Special Hearing to approve 11 apartment units upon the property by way of a non-conforming use.

HEARING: THURSDAY, FEBRUARY 29, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Arnold Jablon
Director

cc: Anthony and Ruth Mierzwicki
Michael E. Marino, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 23, 1996

Michael E. Marino, Esquire
609 Bosley Avenue
Towson, MD 21204

RE: Item No.: 281
Case No.: 96-280-SPH
Petitioner: A. J. Mierzwicki

Dear Mr. Marino:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 22, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Feb. 12, 1996
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for February 12, 1996
Item No. 281

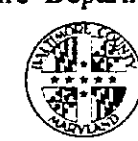
The Development Plans Review Division has reviewed the subject zoning item. If this site is approved as shown, a single commercial entrance per Dept. of Public Works Standard Plate R-32 should be provided for a parking area.

If granted, we recommend that the parking area be buffered from the adjacent residences.

The issue of onsite parking shall be clearly addressed.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4830

DATE: 02/08/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: ANTHONY J. MIERZWICKI & RUTH R. MIERZWICKI

Location: NE/S OVERLEA AVE. 185' NW OF CENTERLINE LINDEN AVE.
(14 EAST OVERLEA AVE.)

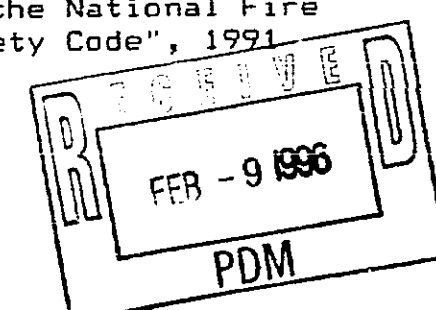
Item No.: 281 Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 2, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 273, 274, 275, 277, 278, 279, 281, 282, and 285
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Earl L. Kerns*

PK/JL

ITEM273/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 281 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 6, 1996

Michael E. Marino, Esquire
609 Bosley Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #281)
Legal Owner: Mierzwicki, Anthony & Ruth
14 East Overlea Avenue
14th Election District

Dear Mr. Marino:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

A floor plan detailing each floor, with room square footages and uses, is generally included with this filing.

If you need further information or have any questions, please do not hesitate to contact me at 887-3331.

Very truly yours,

Joseph C. Merrey
Joseph C. Merrey
Planner I
Zoning Review

JCM:scj

Enclosure (receipt)

c: Zoning Commissioner

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on Recycled Paper

RE: PETITION FOR SPECIAL HEARING *
14 E. Overlea Avenue, NE/S Overlea Ave. *
185' NW of c/l Linden Avenue, 14th *
Election District, 6th Councilmanic *
Anthony and Ruth Mierzwicki *
Petitioners *
* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-280-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel

Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to Michael E. Marino, Esquire, 609 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

281 96-255

1/14/96
TO 1000
14 E. Overlea Ave

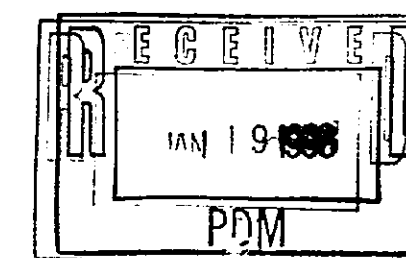
1) There is a zoning violation on this property. David Taylor is the zoning inspector.

2) No one have reviewed this application for non-conforming use.

MICHAEL E. MARINO
ATTORNEY AT LAW

LEVY & MARINO, P.A.
609 BOSLEY AVENUE
TOWSON, MARYLAND 21204

(410) 881-0030
FAX (410) 269-0037



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on Recycled Paper

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Michael Marino

609 Bosley Ave

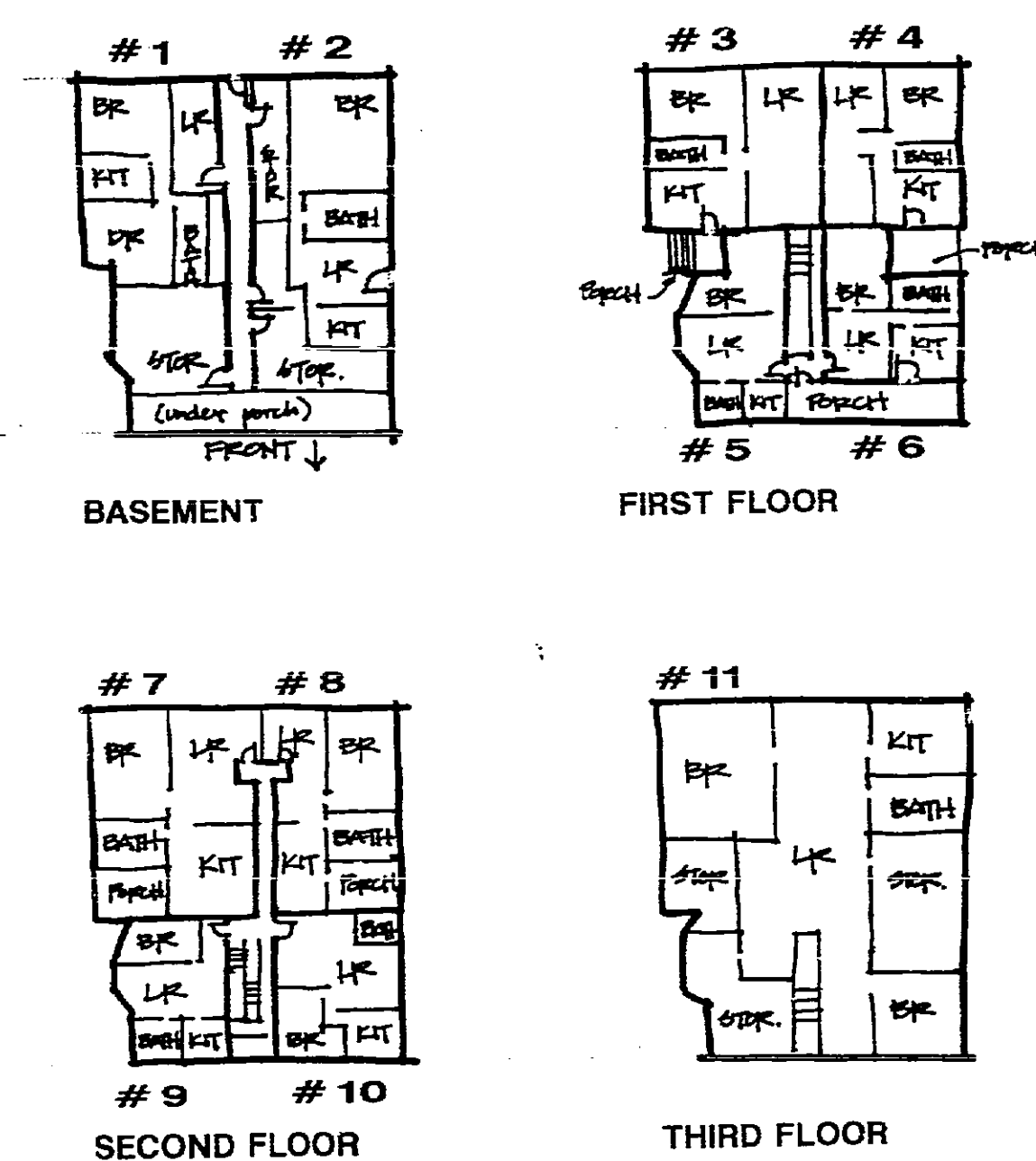
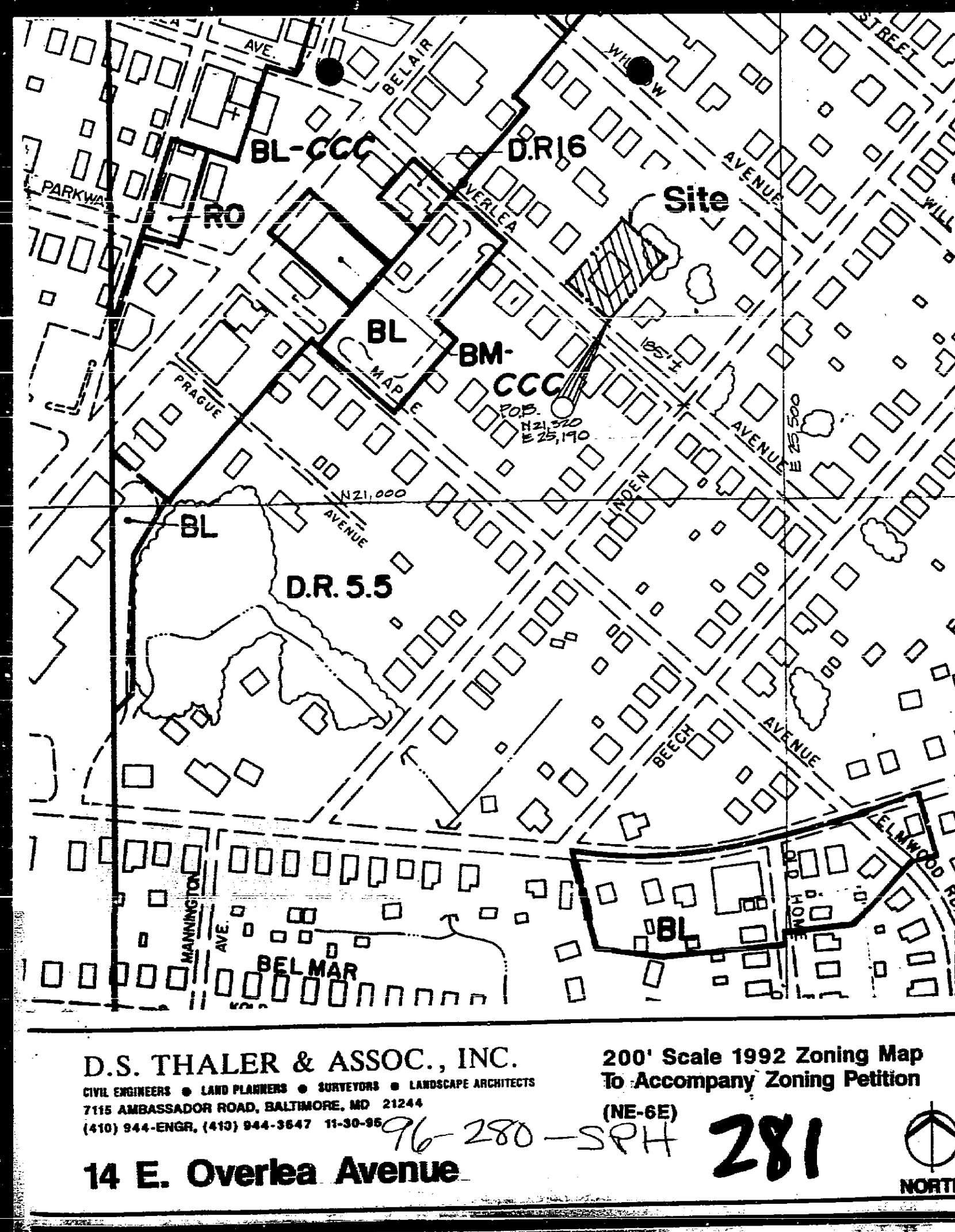
Anthony J. Mierzwicki

Towson MD 21204

Virginia Wagoner

15 E. Overlea Ave

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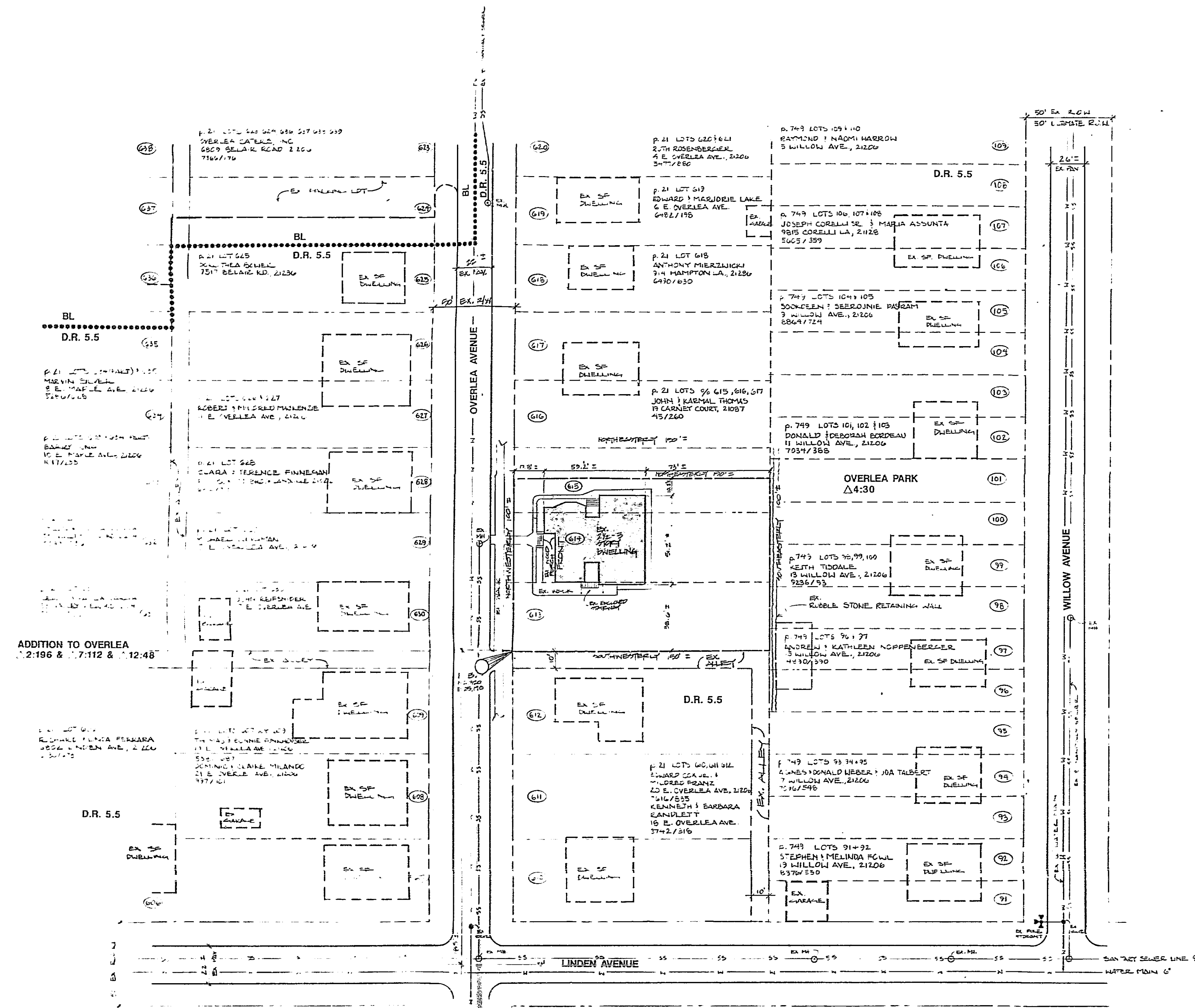
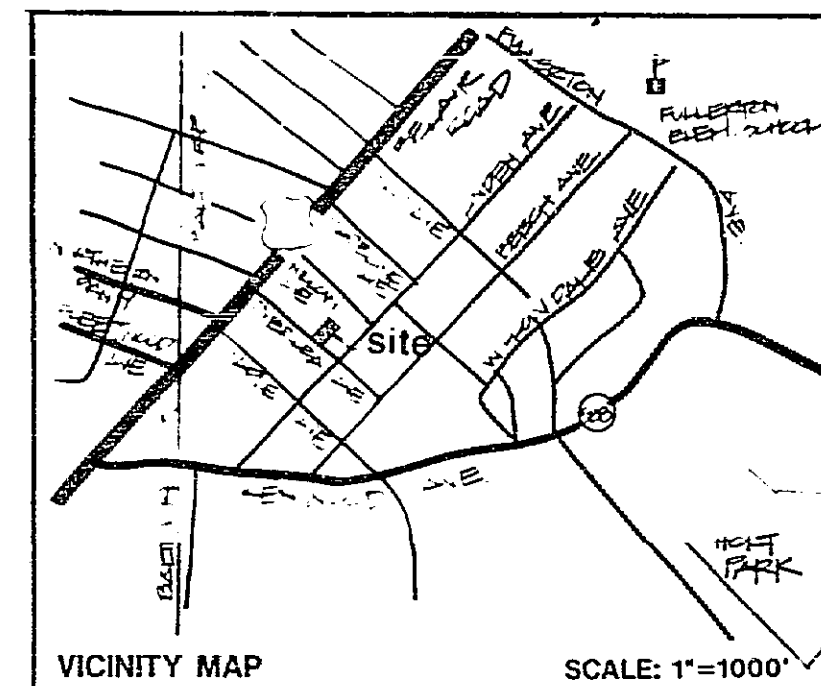


D.S. THALER & ASSOCIATES, INC.
7115 AMBASSADOR ROAD
BALTIMORE, MD 21244
(410) 944-ENGH

N.T.S.

- 1 IN THE MATTER OF: + BEFORE THE
- 2 14 EAST OVERLEA AVENUE + ZONING COMMISSION
- 3 + FOR
- 4 + BALTIMORE COUNTY
- 5 + CASE NO:
- 6 + 96-280-SPH (Item 281)
- 7 + + + + +
- 8 Pursuant to Notice, the deposition of JOHN
- 9 CONRAD HOFMEISTER was taken on Monday, February 26,
- 10 1996, commencing at 4:00 p.m., at the law offices of
- 11 Levy & Marino, 609 Bosely Avenue, Towson, Maryland,
- 12 before Richard D. Baker, Jr., a notary public.
- 13 APPEARANCES:
- 14 Michael E. Marino, Esquire
- 15 on behalf of Anthony Mierzwicki
- 16 ALSO PRESENT: Anthony Mierzwicki
- 17
- 18
- 19
- 20
- 21 Reported by: Richard D. Baker, Jr.

WALLS REPORTING, INC.
714 PARK AVENUE, BALTIMORE, MARYLAND 21201
(410) 728-9020 FAX (410) 728-9022



GENERAL NOTES

1. DEVELOPMENT: 14 E. Overlea Avenue
2. APPLICANT: Anthony J. & Ruth R. Mierzwicki
OWNER: 914 Hampton Lane
Baltimore, Maryland 21244
(410) 944-1847
3. PLAN PREPARED BY: D.S. Thaler & Associates, Inc.
7115 Ambassador Road
Baltimore, Maryland 21244
(410) 944-1847
ATTN: Mr. Alan Scott, R.L.A.
4. PROPERTY REFERENCES:
TAX MAP: 81
GRID: 21
PARCEL: 21
TAX ACCT. NO: 1408067475
DEED: 9824/640
ADC MAP: 36-16
Boundary: Plat of the Addition to 'Overlea' - 2190 (part 2)
Zoning: Baltimore County 200 Scale Zoning Map (1992) (R-SE)
Utilities: Baltimore County Key Map (N-SE)
Existing Structure: Plat by Evans & Associates (1981)
5. GENERAL DATA:
Election District: 14
Census Tract: 4404
Councillman District: 6
6. SITE INFORMATION:
A. Gross acreage = 0.39 AC (25' R/W x 100' = 0.05 AC)
Net acreage = 0.34 AC
B. Existing Zoning: DR-5.5
C. Density Calculations:
Allowable = DR-5.5 x 0.39 AC = 2 units
Existing = 11 apartment units (1 Bedroom)
D. Parking:
Required = 1.5 spaces/unit x 11 units = 17 spaces
Proposed = 17 spaces (on street parking)
7. UTILITIES: Public water and sewer is provided.
8. USE: The existing use is apartments.
The proposed use is apartments.
9. EXISTING: There are no known historic buildings, critical areas, archaeological sites, endangered species, or hazardous materials on the site.
10. ROADS: All roads are public.
11. This property as shown on the Plan has been held intact by the ownership shown since 1981 (according to deed). No known part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings.
12. Future signs shall conform with Section 413 B.C.T.R. and all zoning policies.
13. There are no known, previous zoning hearings or CRG's for this property.

14 E. OVERLEA AVENUE PLAT TO ACCOMPANY ZONING PETITION

PROJ. NAME:
14 E. OVERLEA AVENUE
PLAN TITLE:
PLAT TO ACCOMPANY ZONING PETITION

COUNCIL DIST.: 6 ELECTION DIST.: 14

96-280-SPH

APPROVAL:
OWNER:
ANTHONY J. &
RUTH R. MIERZWICKI
914 HAMPTON LANE
BALTIMORE, MD 21244
(410) 944-1847

D.S. THALER & ASSOCIATES, INC.
CIVIL ENGINEERS SURVEYORS
LANDSCAPE ARCHITECTS PLANNERS

1115 AMBASSADOR ROAD BALTIMORE, MARYLAND 21244
(410) 944-1847 FAX: (410) 944-1848

281

